

1 AN ACT in relation to wildlife population control.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Fireworks Regulation Act of Illinois is
5 amended by changing Section 24 as follows:

6 (425 ILCS 30/24) (from Ch. 127 1/2, par. 124)

7 Sec. 24. Local powers; severability.

8 (a) Except as provided in subsection (b), the provisions
9 of this Act shall not be construed or held to abrogate or in
10 any way affect the power of cities, villages, and
11 incorporated towns to regulate, restrain and prohibit the use
12 of fireworks, firecrackers, torpedoes, Roman candles,
13 skyrockets and other pyrotechnic displays within their
14 corporate limits.

15 (b) Notwithstanding any other provision of this Act, a
16 local governmental unit may not prohibit or otherwise
17 regulate the use of a pyrotechnic device in a migratory
18 waterfowl or other bird depredation program approved by the
19 United States Fish and Wildlife Service or the Department of
20 Natural Resources in a manner more restrictive than the
21 regulation by the State of the use of such devices under this
22 amendatory Act of the 92nd General Assembly. This subsection
23 is a limitation under subsection (i) of Section 6 of Article
24 VII of the Illinois Constitution on the concurrent exercise
25 by home rule units of powers and functions exercised by the
26 State.

27 (c) The sections of this Act and every part of such
28 sections are hereby declared to be independent sections and
29 parts of sections, and the invalidity of any section or part
30 thereof shall not affect any other section or part of a
31 section.

1 (Source: Laws 1935, p. 881.)

2 Section 10. The Fireworks Use Act is amended by changing
3 Section 2 as follows:

4 (425 ILCS 35/2) (from Ch. 127 1/2, par. 128)

5 Sec. 2. Possession, sale, or use of fireworks
6 prohibited; local permits.

7 (a) Except as hereinafter provided it shall be unlawful
8 for any person, firm, co-partnership, or corporation to
9 knowingly possess, offer for sale, expose for sale, sell at
10 retail, or use or explode any fireworks; provided that city
11 councils in cities, the president and board of trustees in
12 villages and incorporated towns, and outside the corporate
13 limits of cities, villages and incorporated towns, the county
14 board, shall have power to adopt reasonable rules and
15 regulations for the granting of permits for supervised public
16 displays of fireworks. Every such display shall be handled by
17 a competent individual designated by the local authorities
18 herein specified and shall be of such a character and so
19 located, discharged or fired, as not to be hazardous to
20 property or endanger any person or persons. Application for
21 permits shall be made in writing at least 15 days in advance
22 of the date of the display and action shall be taken on such
23 application within 48 hours after such application is made.
24 After such privilege shall have been granted, sales,
25 possession, use and distribution of fireworks for such
26 display shall be lawful for that purpose only. No permit
27 granted hereunder shall be transferable.

28 Permits may be granted hereunder to any groups of 3 or
29 more adult individuals applying therefor. No permit shall be
30 required, under the provisions of this Act, for supervised
31 public displays by State or County fair associations.

32 The governing body shall require a bond from the licensee

1 in a sum not less than \$1,000 conditioned on compliance with
2 the provisions of this law and the regulations of the State
3 Fire Marshal adopted hereunder, except that no municipality
4 shall be required to file such bond.

5 Such permit shall be issued only after inspection of the
6 display site by the issuing officer, to determine that such
7 display shall not be hazardous to property or endanger any
8 person or persons. Forms for such application and permit may
9 be obtained from the Office of the State Fire Marshal. One
10 copy of such permit shall be on file with the issuing
11 officer, and one copy forwarded to the Office of the State
12 Fire Marshal.

13 (b) Possession by any party holding a certificate of
14 registration under "The Fireworks Regulation Act of
15 Illinois", filed July 20, 1935, or by any employee or agent
16 of such party or by any person transporting fireworks for
17 such party, shall not be a violation, provided such
18 possession is within the scope of business of the fireworks
19 plant registered under that Act.

20 (c) It is not a violation of this Act for a person (i)
21 to use a pyrotechnic device in a migratory waterfowl or other
22 bird depredation program approved by the United States Fish
23 and Wildlife Service or the Department of Natural Resources,
24 or (ii) to possess such a device for that use, or (iii) to
25 offer for sale, expose for sale, or sell such a device to a
26 person for that use. Notwithstanding any other provision of
27 this Act, a local governmental unit may not prohibit or
28 otherwise regulate the use of a pyrotechnic device in a
29 migratory waterfowl or other bird depredation program
30 approved by the United States Fish and Wildlife Service or
31 the Department of Natural Resources in a manner more
32 restrictive than the regulation by the State of the use of
33 such devices under this amendatory Act of the 92nd General
34 Assembly. This subsection is a limitation under subsection

1 (i) of Section 6 of Article VII of the Illinois Constitution
2 on the concurrent exercise by home rule units of powers and
3 functions exercised by the State.

4 (Source: P.A. 86-1028.)

5 Section 15. The Firearm Owners Identification Card Act
6 is amended by changing Section 1.1 as follows:

7 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

8 Sec. 1.1. For purposes of this Act:

9 "Counterfeit" means to copy or imitate, without legal
10 authority, with intent to deceive.

11 "Firearm" means any device, by whatever name known, which
12 is designed to expel a projectile or projectiles by the
13 action of an explosion, expansion of gas or escape of gas;
14 excluding, however:

15 (1) any pneumatic gun, spring gun, paint ball gun
16 or B-B gun which either expels a single globular
17 projectile not exceeding .18 inch in diameter and which
18 has a maximum muzzle velocity of less than 700 feet per
19 second or breakable paint balls containing washable
20 marking colors;

21 (1.5) any pyrotechnic device approved by the United
22 States Fish and Wildlife Service or the Department of
23 Natural Resources for use in a migratory waterfowl or
24 other bird depredation program;

25 (2) any device used exclusively for signalling or
26 safety and required or recommended by the United States
27 Coast Guard or the Interstate Commerce Commission;

28 (3) any device used exclusively for the firing of
29 stud cartridges, explosive rivets or similar industrial
30 ammunition; and

31 (4) an antique firearm (other than a machine-gun)
32 which, although designed as a weapon, the Department of

1 State Police finds by reason of the date of its
2 manufacture, value, design, and other characteristics is
3 primarily a collector's item and is not likely to be used
4 as a weapon.

5 "Firearm ammunition" means any self-contained cartridge
6 or shotgun shell, by whatever name known, which is designed
7 to be used or adaptable to use in a firearm; excluding,
8 however:

9 (0.5) any self-contained cartridge exclusively
10 designed for use with a pyrotechnic device approved by
11 the United States Fish and Wildlife Service or the
12 Department of Natural Resources for use in a migratory
13 waterfowl or other bird depredation program;

14 (1) any ammunition exclusively designed for use
15 with a device used exclusively for signalling or safety
16 and required or recommended by the United States Coast
17 Guard or the Interstate Commerce Commission; and

18 (2) any ammunition designed exclusively for use
19 with a stud or rivet driver or other similar industrial
20 ammunition.

21 (Source: P.A. 91-357, eff. 7-29-99; 92-414, eff. 1-1-02.)

22 Section 20. The Criminal Code of 1961 is amended by
23 changing Section 24-2 as follows:

24 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

25 Sec. 24-2. Exemptions.

26 (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10)
27 and Section 24-1.6 do not apply to or affect any of the
28 following:

29 (1) Peace officers, and any person summoned by a
30 peace officer to assist in making arrests or preserving
31 the peace, while actually engaged in assisting such
32 officer.

1 (2) Wardens, superintendents and keepers of
2 prisons, penitentiaries, jails and other institutions for
3 the detention of persons accused or convicted of an
4 offense, while in the performance of their official duty,
5 or while commuting between their homes and places of
6 employment.

7 (3) Members of the Armed Services or Reserve Forces
8 of the United States or the Illinois National Guard or
9 the Reserve Officers Training Corps, while in the
10 performance of their official duty.

11 (4) Special agents employed by a railroad or a
12 public utility to perform police functions, and guards of
13 armored car companies, while actually engaged in the
14 performance of the duties of their employment or
15 commuting between their homes and places of employment;
16 and watchmen while actually engaged in the performance of
17 the duties of their employment.

18 (5) Persons licensed as private security
19 contractors, private detectives, or private alarm
20 contractors, or employed by an agency certified by the
21 Department of Professional Regulation, if their duties
22 include the carrying of a weapon under the provisions of
23 the Private Detective, Private Alarm, and Private
24 Security Act of 1983, while actually engaged in the
25 performance of the duties of their employment or
26 commuting between their homes and places of employment,
27 provided that such commuting is accomplished within one
28 hour from departure from home or place of employment, as
29 the case may be. Persons exempted under this subdivision
30 (a)(5) shall be required to have completed a course of
31 study in firearms handling and training approved and
32 supervised by the Department of Professional Regulation
33 as prescribed by Section 28 of the Private Detective,
34 Private Alarm, and Private Security Act of 1983, prior to

1 becoming eligible for this exemption. The Department of
2 Professional Regulation shall provide suitable
3 documentation demonstrating the successful completion of
4 the prescribed firearms training. Such documentation
5 shall be carried at all times when such persons are in
6 possession of a concealable weapon.

7 (6) Any person regularly employed in a commercial
8 or industrial operation as a security guard for the
9 protection of persons employed and private property
10 related to such commercial or industrial operation, while
11 actually engaged in the performance of his or her duty or
12 traveling between sites or properties belonging to the
13 employer, and who, as a security guard, is a member of a
14 security force of at least 5 persons registered with the
15 Department of Professional Regulation; provided that such
16 security guard has successfully completed a course of
17 study, approved by and supervised by the Department of
18 Professional Regulation, consisting of not less than 40
19 hours of training that includes the theory of law
20 enforcement, liability for acts, and the handling of
21 weapons. A person shall be considered eligible for this
22 exemption if he or she has completed the required 20
23 hours of training for a security officer and 20 hours of
24 required firearm training, and has been issued a firearm
25 authorization card by the Department of Professional
26 Regulation. Conditions for the renewal of firearm
27 authorization cards issued under the provisions of this
28 Section shall be the same as for those cards issued under
29 the provisions of the Private Detective, Private Alarm
30 and Private Security Act of 1983. Such firearm
31 authorization card shall be carried by the security guard
32 at all times when he or she is in possession of a
33 concealable weapon.

34 (7) Agents and investigators of the Illinois

1 Legislative Investigating Commission authorized by the
2 Commission to carry the weapons specified in subsections
3 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
4 any investigation for the Commission.

5 (8) Persons employed by a financial institution for
6 the protection of other employees and property related to
7 such financial institution, while actually engaged in the
8 performance of their duties, commuting between their
9 homes and places of employment, or traveling between
10 sites or properties owned or operated by such financial
11 institution, provided that any person so employed has
12 successfully completed a course of study, approved by and
13 supervised by the Department of Professional Regulation,
14 consisting of not less than 40 hours of training which
15 includes theory of law enforcement, liability for acts,
16 and the handling of weapons. A person shall be considered
17 to be eligible for this exemption if he or she has
18 completed the required 20 hours of training for a
19 security officer and 20 hours of required firearm
20 training, and has been issued a firearm authorization
21 card by the Department of Professional Regulation.
22 Conditions for renewal of firearm authorization cards
23 issued under the provisions of this Section shall be the
24 same as for those issued under the provisions of the
25 Private Detective, Private Alarm and Private Security Act
26 of 1983. Such firearm authorization card shall be
27 carried by the person so trained at all times when such
28 person is in possession of a concealable weapon. For
29 purposes of this subsection, "financial institution"
30 means a bank, savings and loan association, credit union
31 or company providing armored car services.

32 (9) Any person employed by an armored car company
33 to drive an armored car, while actually engaged in the
34 performance of his duties.

1 (10) Persons who have been classified as peace
2 officers pursuant to the Peace Officer Fire Investigation
3 Act.

4 (11) Investigators of the Office of the State's
5 Attorneys Appellate Prosecutor authorized by the board of
6 governors of the Office of the State's Attorneys
7 Appellate Prosecutor to carry weapons pursuant to Section
8 7.06 of the State's Attorneys Appellate Prosecutor's Act.

9 (12) Special investigators appointed by a State's
10 Attorney under Section 3-9005 of the Counties Code.

11 (13) Court Security Officers while in the
12 performance of their official duties, or while commuting
13 between their homes and places of employment, with the
14 consent of the Sheriff.

15 (13.5) A person employed as an armed security guard
16 at a nuclear energy, storage, weapons or development site
17 or facility regulated by the Nuclear Regulatory
18 Commission who has completed the background screening and
19 training mandated by the rules and regulations of the
20 Nuclear Regulatory Commission.

21 (14) Manufacture, transportation, or sale of
22 weapons to persons authorized under subdivisions (1)
23 through (13.5) of this subsection to possess those
24 weapons.

25 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
26 24-1.6 do not apply to or affect any of the following:

27 (1) Members of any club or organization organized
28 for the purpose of practicing shooting at targets upon
29 established target ranges, whether public or private, and
30 patrons of such ranges, while such members or patrons are
31 using their firearms on those target ranges.

32 (2) Duly authorized military or civil organizations
33 while parading, with the special permission of the
34 Governor.

1 (3) Hunters, trappers or fishermen with a license
2 or permit while engaged in hunting, trapping or fishing.

3 (4) Transportation of weapons that are broken down
4 in a non-functioning state or are not immediately
5 accessible.

6 (5) Persons using a pyrotechnic device in a
7 migratory waterfowl or other bird depredation program
8 approved by the United States Fish and Wildlife Service
9 or the Department of Natural Resources.

10 (c) Subsection 24-1(a)(7) does not apply to or affect
11 any of the following:

12 (1) Peace officers while in performance of their
13 official duties.

14 (2) Wardens, superintendents and keepers of
15 prisons, penitentiaries, jails and other institutions for
16 the detention of persons accused or convicted of an
17 offense.

18 (3) Members of the Armed Services or Reserve Forces
19 of the United States or the Illinois National Guard,
20 while in the performance of their official duty.

21 (4) Manufacture, transportation, or sale of machine
22 guns to persons authorized under subdivisions (1) through
23 (3) of this subsection to possess machine guns, if the
24 machine guns are broken down in a non-functioning state
25 or are not immediately accessible.

26 (5) Persons licensed under federal law to
27 manufacture any weapon from which 8 or more shots or
28 bullets can be discharged by a single function of the
29 firing device, or ammunition for such weapons, and
30 actually engaged in the business of manufacturing such
31 weapons or ammunition, but only with respect to
32 activities which are within the lawful scope of such
33 business, such as the manufacture, transportation, or
34 testing of such weapons or ammunition. This exemption

1 does not authorize the general private possession of any
2 weapon from which 8 or more shots or bullets can be
3 discharged by a single function of the firing device, but
4 only such possession and activities as are within the
5 lawful scope of a licensed manufacturing business
6 described in this paragraph.

7 During transportation, such weapons shall be broken
8 down in a non-functioning state or not immediately
9 accessible.

10 (6) The manufacture, transport, testing, delivery,
11 transfer or sale, and all lawful commercial or
12 experimental activities necessary thereto, of rifles,
13 shotguns, and weapons made from rifles or shotguns, or
14 ammunition for such rifles, shotguns or weapons, where
15 engaged in by a person operating as a contractor or
16 subcontractor pursuant to a contract or subcontract for
17 the development and supply of such rifles, shotguns,
18 weapons or ammunition to the United States government or
19 any branch of the Armed Forces of the United States, when
20 such activities are necessary and incident to fulfilling
21 the terms of such contract.

22 The exemption granted under this subdivision (c)(6)
23 shall also apply to any authorized agent of any such
24 contractor or subcontractor who is operating within the
25 scope of his employment, where such activities involving
26 such weapon, weapons or ammunition are necessary and
27 incident to fulfilling the terms of such contract.

28 During transportation, any such weapon shall be
29 broken down in a non-functioning state, or not
30 immediately accessible.

31 (d) Subsection 24-1(a)(1) does not apply to the
32 purchase, possession or carrying of a black-jack or
33 slung-shot by a peace officer.

34 (e) Subsection 24-1(a)(8) does not apply to any owner,

1 manager or authorized employee of any place specified in that
2 subsection nor to any law enforcement officer.

3 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
4 Section 24-1.6 do not apply to members of any club or
5 organization organized for the purpose of practicing shooting
6 at targets upon established target ranges, whether public or
7 private, while using their firearms on those target ranges.

8 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not
9 apply to:

10 (1) Members of the Armed Services or Reserve Forces
11 of the United States or the Illinois National Guard,
12 while in the performance of their official duty.

13 (2) Bonafide collectors of antique or surplus
14 military ordinance.

15 (3) Laboratories having a department of forensic
16 ballistics, or specializing in the development of
17 ammunition or explosive ordinance.

18 (4) Commerce, preparation, assembly or possession
19 of explosive bullets by manufacturers of ammunition
20 licensed by the federal government, in connection with
21 the supply of those organizations and persons exempted by
22 subdivision (g)(1) of this Section, or like organizations
23 and persons outside this State, or the transportation of
24 explosive bullets to any organization or person exempted
25 in this Section by a common carrier or by a vehicle owned
26 or leased by an exempted manufacturer.

27 (h) An information or indictment based upon a violation
28 of any subsection of this Article need not negative any
29 exemptions contained in this Article. The defendant shall
30 have the burden of proving such an exemption.

31 (i) Nothing in this Article shall prohibit, apply to, or
32 affect the transportation, carrying, or possession, of any
33 pistol or revolver, stun gun, taser, or other firearm
34 consigned to a common carrier operating under license of the

1 State of Illinois or the federal government, where such
2 transportation, carrying, or possession is incident to the
3 lawful transportation in which such common carrier is
4 engaged; and nothing in this Article shall prohibit, apply
5 to, or affect the transportation, carrying, or possession of
6 any pistol, revolver, stun gun, taser, or other firearm, not
7 the subject of and regulated by subsection 24-1(a)(7) or
8 subsection 24-2(c) of this Article, which is unloaded and
9 enclosed in a case, firearm carrying box, shipping box, or
10 other container, by the possessor of a valid Firearm Owners
11 Identification Card.

12 (Source: P.A. 91-287, eff. 1-1-00; 91-690, eff. 4-13-00;
13 92-325, eff. 8-9-01.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.